

BURLINGTON CITY COUNCIL REGULAR SESSION AUGUST 17, 2016

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, August 17, 2016. Mayor Stan Luke called the meeting to order.

ROLL CALL: Stan Luke, Mayor

Council Members present:

Lewis Lenard
 Jane M. Griffith

Dallas Scothorn
 Thomas P. Tschantz

Jerilyn Curtiss
 Sharon Hall

Superintendents Present:

Kevin Boyce (Parks)
 Doug Jones Chief of Police)

Alan Schneider (Electric)
 Danny Hawkins (Water/Wastewater)

Doug Mast (Street)

Also Present: Regina Kewley (City Clerk)

Anne Brown (Deputy City Clerk)
 Tom Robrahn (City Attorney)

Jimmy Hugunin (Zoning/Grants Clerk)
 Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Paul Abendroth, Jimmy Eash, Sean Gordon (Mize Houser & Company), Josh Inman

AGENDA: *Council Member Griffith moved to approve the amended agenda. Council Member Hall, "Second." Motion unanimously carried.*

MINUTES: August 3, 2016: *Council Member Curtiss moved to accept the Draft Minutes of regular session August 3, 2016 as presented. Council Member Scothorn, "I'll second." Motion unanimously carried.*

APPOINTMENT: Sean Gordon - Present Burlington's 2015 Audit

Sean Gordon introduced himself and said, "I am with Mize Houser & Company. I am in charge of the 2015 audit of the City of Burlington; and I will go through the report. You have a copy in front of you. Then I will answer questions you might have."

"Pages one and two is the auditor's report, which is part of the audit. Here we discuss things we are required to audit, by both the United States and the State of Kansas. Most importantly, we discuss the opinion that was issued on the audit. We have issued an unmodified opinion on the city's financial statements under US GAP, which is a type of accounting that City of Burlington goes through each year. The unmodified opinion we issued is the highest and cleanest opinion we are allowed to give under both state and federal law; so it reflects very well on the financial management of the city for the year 2015."

"Pages three and four are statements concerning the entire operations of the City, a snapshot of the City's activities throughout the year. I do want to point out this year there is a new requirement by the State of Kansas and by federal law that any participant in KPERS throughout the state of Kansas - and in other states, as well, with their pensions - are required to disclose its share of the net pension liability for being a participant in KPERS. The city has no control over these number, it comes directly from KPERS; but as you can see, there's a net pension liability line - this number is 1.3 million dollars; so that's the share of the City's liability of being involved in KPERS."

"Pages five through sixteen is more detailed breakouts of each of the City's funds. Pages seventeen through thirty-nine are the notes to the financial statement. Here information is discussed such as city accounting policies, employee benefits, capital assets, and long-term debt. Starting on page thirty-one, there is a bunch of information about the net pension liability. The final part if the financial information is on pages forty through sixty-five are smaller funds the City runs. We've also done a comparison of the budget done a year ago at this time." He then asked for questions.

Mayor Luke asked, "Do you foresee upcoming changes this next year?" Mr. Gordon, "I do not." Mayor Luke, "On any legislation or anything?" Mr. Gordon, "The tax lid is the only issue I know about that will affect budgeting or accounting for the City."

Council Member Griffith asked how the Kansas Public Employees Retirement System pension liability affects us. Mr. Gordon explained, "The state as a whole, any participant of KPERS, there's an unfunded liability; so promises are more than money that they have on hand. So, the City records its share - a small percentage like one percent or something like that - into their books. The unfunded amount is kind of a gap between what's been promised and what's actually on hand, that KPERS has on hand." Council Member Griffith, "So, are we responsible for that?" Mr. Gordon, "I think the state and the federal government are just wanting someone to show that on their books; I don't know that you're technically responsible for it; but it is being shown on the City's records. Like I said, you really don't have control over what you pay in or what the gap is there; but you do have to record your percentage of that gap."

Mayor Luke, "As compared to last year, are we 'as good, worse, better'?" He clarified, "Was there any change in your opinion?" Mr. Gordon, "There was no change in our opinion, it is the highest and cleanest opinion we are allowed to give." Mayor Luke, "So, it is the same as for the previous year?" Mr. Gordon, "Correct." (continued)

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Mayor Luke, "Is there a difference in the opinions in respect of class of cities - first, second, third?" Mr. Gordon, "There are some cities like yours that are GAP, so you record accounts receivable, fixed assets. There are not very many cities in the state of Kansas that record that way. Some are required to do it because of bonds and the like. Other smaller cities - Troy, Ottawa - they're GAP waiver; so they just do procedural and expenses. It's a kind of different term for a highest and cleanest opinion for them; but this is by far the highest and cleanest and most accurate way of accounting for a city."

Mayor Luke asked if there were any more questions. City Clerk Kewley stated, "I would like to thank Sean for working with us. We were doing that CIC (Consumer Information Concepts) conversion, and you guys were really patient on getting information. Thank you very much." Mr. Gordon thanked council and left.

APPOINTMENT: Josh Inman -Kirk Manwaring Benefit Street Dance/Beer Garden in October

Josh Inman stated, "As you know, the Kirk Manwaring Memorial is a scholarship. We've elected this year to be a part of the Taste of Fall Festival; and with that, we would like to hold a street dance. I'm sure you remember years and years ago they had a street dance as a part of May Daze." He didn't have a print out, but using a laptop computer, he showed Council what the plan is. He said, "Up here in front (of City Hall), I talked to the Chief of Police and he said we could use the city barricades, and then I would just need to fence off around it and leave a single door for entrance and exit; and I would be the one to apply for the liquor license, as well as maintaining security and checking IDs. I also have some staff members in Kansas City that I am going to bring down with me to help me maintain the door to make sure everyone going in and out has been carded."

"I do understand the city ordinance says noise ends at 10 p.m.; so we would like to go from 5 p.m. to 10 p.m. I've gotten picnic tables and everything else to make it structural. We're going to put up tables and tents for the food/bar stands inside the roped off area. Any questions, so far?"

Council Member Tschantz, "Yes, I have one, two, or three. Who is buying your insurance for the street dance?" Mr. Inman, "We are, as a whole." Council Member Tschantz, "Do you really think you will make enough money to pay for your insurance, your liquor license, and everything that you need?" Mr. Inman, "Yes. We've made enough money to do those in the scholarship years ahead of time; so we have enough saved up to go ahead and do that."

Council Member Tschantz, "I do know that when I belonged to the American Legion over here, we applied for a street dance. Of course, we had our own liquor license; we had our own insurance and everything; and the City said it wasn't any problem. But as far as bringing your own staff down to police it, I just don't see how that's going to work." Mr. Inman, "With the insurance?" Council Member Tschantz, "Insurance and everything because the City is still liable, even though you have your own insurance, on that street."

Council Member Lenard, "Let me rephrase the question, "Could your event be successful without alcohol?" Mr. Inman, "That is primarily what we are going to use to raise money this year. I have thought about it. There's been a couple of ideas about possible partnering with the Legion because they do have a liquor license already; but at this current juncture, I am sure it looks like we are going to push forward on our own."

Council Member Lenard, "And this is for a scholarship fund?" Mr. Inman, "Yes, we do a scholarship every year for a high school senior." Mayor Luke, "Have you done this before - a street dance?" Mr. Inman, "I work for a company that does concerts all over the world - in Kansas City - I've put on hundreds and hundreds and hundreds of concerts, but I haven't done a street dance. So, the generator, the power, the lights, all the band gear, all that stuff has already been taken care of. When I talked to Gina (City Clerk Kewley), she said that I should have more than enough time to apply for the liquor license now to the date of the event." City Clerk Kewley said, "With the City, getting your license here is \$100 plus \$25 for the State stamp; and then applying." Mr. Inman, "I talked to her three weeks ago."

Council Member Griffith, "You're serving it?" Mr. Inman, "I would be the one operating the event, so I would be the one taking the IDs and maintaining the staff. I would have other people actually be the bartenders. You wouldn't be allowed in" Council Member Griffith, "You would be the one selling the beer, I'm assuming?" Mr. Inman, "Essentially, it would be \$5 a cup." Council Member Griffith, "Like a beer garden?" Mr. Inman, "Exactly." Council Member Tschantz, "You made concessions for picture IDs? You can't serve alcohol to minors, so you're going to have to card everybody." Mr. Inman, "That's what I'm saying. I'll be the one at the door carding everybody; because my name will be on the license, I'll be responsible for it."

Council Member Curtiss, "Are you wanting to cut it off at the stoplight?" Mr. Inman, "Not to the stoplight. I think that if we went not even half - maybe a third - of the way down the block, that will be enough room. I'd assume you'd want us to stay only on half of the street so traffic could still go through."

Council Member Lenard asked why we didn't allow a beer garden a couple of years ago at Kelley Park, whether it was because our ordinance doesn't allow it at the park. Chief Jones explained, "The ordinance initially was confusing as to where alcohol would be allowed. At that time, it was that south of the grandstand towards Jack Sowder's fence was acceptable. That's all been re-worded now (*Ordinance 826, adopted in 2014*). Mr. Inman has to go through City Council; has to have an ordinance specific to having a street dance (that includes a beer garden) showing location, date, and time. He has to have that ordinance passed before he can go to ABC (Alcoholic Beverage Control Board) and request a temporary permit. So there's some hoops he has to jump through."

Chief Jones added, "I'm concerned strictly on the logistics side of it - trying to block off Neosho Street on a Saturday night. I realize it's not as booming a downtown as it used to be in years past, but I'm just concerned with

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blocking traffic. We had talked about trying to block off just part of 3rd Street, going from Neosho to just up past the American Legion, to the alley, or maybe a little further; and confining it to the 3rd Street area. I would not be in favor of trying to block off Neosho Street, especially in October - I'm sorry, but that's harvest time. When we've got harvest trucks trying to come in on the East River Bridge to go to the elevator - this is the most direct route; blocking the street would cause an issue. Anything on Neosho Street, I would have concerns with."

Council Member Griffith, "What about Kelley Park?" Mr. Inman, "I thought about that in the beginning; but again, what you're saying is the ordinance is in how close or how far. But, I thought about it at first because we could use the stadium or whatever, but I think the liquor law prohibits it." City Clerk Kewley explained that alcohol is not allowed in the city parks. Superintendent Mast mentioned they used to have beer gardens down by the ballfields before. Chief Jones, "That was before the ordinance was rewritten."

Chief Jones, "In previous years, you all have done this at Buddies in New Strawn. Is that venue not working for you?" Mr. Inman, "We decided to be part of the Taste of Fall Festival; because when they have the Creepy Crawl and stuff here, it would be cool to have the street dance and have that when people come and drop their kids off, they can dance and hangout, and when their kids get back, I'm sure people will migrate in and out."

Mayor Luke, "Is this in conjunction with, or part of, the Taste of Fall Festival?" Mr. Inman, "It is during - with the flyer. We are in cooperation with it, but we are not a part of the Festival." Mayor Luke, "If it's on their flyer, then they are part of the sponsorship and they would also be held liable if something happens - just like the City would be." Mr. Inman, "I understand what you're saying." Mayor Luke, "If they're not on the flyer at all for the Taste of Fall, then they aren't included in the insurance and in the liability. It can't be on the same flyer; because if it's on the same flyer, it's considered part of the Festival. It would have to be totally independent for advertising and promotion." Mr. Inman, "So you're saying with us being on their flyer, that does in fact put....?" Mayor Luke, "Yes, it would have to be totally isolated from them on the flyer." Mr. Inman, "Okay."

Mayor Luke asked, "Any other issues, Doug?" Chief Jones replied, "It just doesn't sit right with me. We're talking a high school scholarship, we're talking a beer garden. We're talking Creepy Crawl going on, major kid activity for a community event; but we're going to have an event for the parents to come up here and drink at a beer garden while their kids are off doing whatever they're doing - the whole concept just doesn't sit right with me as a community family event. That would be my objection. It's the same objection I voiced when the Fair Board wanted to do a beer garden during the fair - that's the same reasoning."

Chief Jones, "We have not had a beer garden or a street dance in town since I've been here (in 2000)." Council Member Lenard, "But you're okay with the street dance without the beer garden?" Chief Jones, "Yes, but if you don't have booze, you're not going to have attendance. I suggest that there would be other venues that are better suited to this." Mayor Luke, "Any other discussion?"

Council Member Scothorn, "Could you, Josh, do it out at Buddies? Is it too late to do it at Buddies?" Mr. Inman, "It would probably still be doable. Essentially, we just wanted to bring back the street dance. You understand that was the main premise?" Chief Jones, "You know, if you were just doing a jam session at the gazebo, or doing a pickup concert or even a real concert down at the fairgrounds - I would have no objection to that at all; but when you combine it with the alcohol, that is where my concern is raised." Mr. Inman, "I definitely understand."

Mayor Luke asked for Council's action on Josh Inman's request that has been presented for a street dance and beer garden - accept, approve, disapprove. **Council Member Tschantz made a motion to disapprove the request by Josh Inman to hold a Kirk Manwaring Benefit Street Dance with Beer Garden during the Taste of Fall Festival in October, as presented. Council member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0 to disapprove the request as presented.** Mr. Inman thanked Council, and left the meeting.

PUBLIC COMMENTS: (5 minute limit)

Mayor Luke asked Paul Abendroth if he had any comments. Mr. Abendroth stated, "I'd better make an appointment because it'll take longer than five minutes to go over what I have to say." Mayor Luke, "Make an appointment for next council?" Mr. Abendroth, "Yes."

ELECTRIC DEPARTMENT: Distribution Updates

General: Electric Distribution personnel are still doing normal duties, customer service requests, work orders, and line locates.

Stoplights - LED Bulbs: Electric personnel replaced the incandescent light bulbs with LED bulbs in the stoplights at 4th and Neosho and at 4th and Cross. Superintendent Schneider hopes to prevent employee callouts and enable them to spend more time with their families.

Tree Trimming: Superintendent Schneider reported, "The men have mainly been trimming trees."

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ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Electric Production has been doing required reports and general Power Plant maintenance.

Generator #4: Superintendent Schneider said, "We did some troubleshooting and repaired a contact relay for the oil heater on Generator #4. We also change AMOT valves."

Generator #5: The men also rebuilt the oil circulating pump on Generator #5.

Power Plant Transformer - Paint: Superintendent Schneider said, "We repainted the transformer that supplies power to the new part of the power plant. It was showing signs of surface rust, so the men cleaned that up and painted the transformer."

Employees Mutual Insurance - Inspection: Superintendent Schneider reported, "Yesterday, an inspector from EMC insurance showed up. EMC comes by every two years for a general walk-around of our power plant and our substations. The inspector was gone within fifteen minutes."

Engine Inventory List: Superintendent Schneider, referring to a handout he had passed out said, "The Engine Inventory is a list of engine data and year, and whether it was new or used when put into service." Mayor Luke, "That will be part of discussion at the Work Session on the 25th of August." Council Member Lenard asked, "Do we have data that shows what we have run per generator annually? Are we going to go over that next week?" Superintendent Schneider, "Yes, we have run logs of every run we do." Council Member Lenard, "Okay; and what the expected life is of each one of these - remaining life?" Superintendent Schneider, "Let me do some more homework on that part with Dee Francis (Sr. Plant Maintenance/Operator). We've got some pretty good connections."

WATER DEPARTMENT: Distribution Update

General: Superintendent Hawkins reported, "We've been doing our normal duties of reading meters, doing rereads, line locates, work orders, and customer requests."

Waterline Extension for 1314 N. Hwy 75 (Charles/Diana Morris): Superintendent Hawkins reported they did complete the Morris' waterline installation north of town at 13th and Lynx. They installed three thousand feet of waterline. They got a negative for coliform bacteria, and are waiting for another test result to come back tomorrow. Hopefully, it will come back negative and they will be ready to go online.

Burlington Carwash - Meter Barricade: Superintendent Hawkins reported, "We built a barricade for the water meter by the carwash on the north end of town. Semis pull in and keep running over our lids and breaking them, so we built a barricade to go around the meter pit. We painted it red so they can see it a little better."

Bulk Water Storage - Issues: Superintendent Hawkins said, "We have been having some issues with our bulk water storage. Guys have been coming down and putting hoses in chemical tanks even though we have a big sign that says they cannot put that hose in the chemical tank. We attached a metal hoop so people cannot put their hose down into any of their tanks. It's for the safety of the people. Some aren't happy with it, but that is just how it is."

Spraying - Lagoons: Water and Wastewater personnel have been spraying around the lagoons, including the fence area.

Dressing up areas: Personnel have been tilling ground that had to be dug up for repairs, etc., and will come back after the first of September to do some seeding.

Waterlines at 10th & St. Lawrence and 10 & Niagara: Superintendent Hawkins stated, "Our plan is to begin next Tuesday doing the final tie-in of the waterlines at 10th & St. Lawrence and at 10th & Niagara, to get those lines taken care of and let Doug (Superintendent Mast) get his street work going."

WATER DEPARTMENT: Distribution Update

Superintendent Hawkins reported, "The Water Treatment Plant has been running decently. With the rain, we've been pumping an average of 575,000 gallons a day." Council Member Griffith, "No drought?" Superintendent Hawkins, "No drought, and rain all next week is what they're saying. We like it."

STREET DEPARTMENT: Updates

Project - Preparation: Superintendent Mast said, "Most of our time has been spent crack sealing around town and the AMZ patching ahead of projects. We're also installing a few culverts here in town, and cut some ditches. We also started raising some manholes in preparation for the hot mix asphalt that will be coming soon." Council Member Lenard inquired whether they are still on schedule. Superintendent Mast said, "As far as I know they are still on schedule. They had a projected date of September 1st through October 1st, if I remember right; and it won't take near that much time to do our projects. From what I heard from the County, the county project they are doing is going fairly well, they planned to be going from there to LeRoy for a project in LeRoy, and then they've got the project behind the courthouse for the parking lot; once they get all that accomplished, I believe, we're next."

POLICE DEPARTMENT: Update

Theft: Chief Jones, "We have been staying busy: stolen vehicle, burglary to a garage involving theft of almost \$700 of rolled quarters and a pistol."

Vandalism - Jones Park & Kelley Park: Chief Jones, "There was some vandalism to Jones Park. I need to compliment Officer Devin Haines who put in a lot of work on that yesterday and last night and wound up with two sixteen year olds identified, confessed, and they have been through juvenile intake. That paperwork will be

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going to the County Attorney. They also gave up themselves on a theft that was in town during the same timeframe and gave up the individuals that did damage to Kelley Park in July. So, we've got several cases that Officer Haines managed to clear up yesterday. Quite a little bit of work there."

Animal Control Officer Stice - Dog Bite: Chief Jones reported, "It all culminated with our dog catcher going to check on a dog late this afternoon and winding up getting bitten. We wound up with her at the hospital having to get three stitches in her finger. She will be on light duty for a couple of days, but that worked out because she was scheduled to be working in the office for the next two days anyway."

Nuisances: Nuisances are being worked as time permits. Some the Parks Department is mowing. The Police Department is trying to get in contact with the owners/residents of other properties.

PARKS DEPARTMENT: Update

General: Parks Department personnel have been keeping busy doing normal duties, cleaning public buildings and restrooms. They have been very busy due to the rains with mowing, weedeating, spraying weeds. Even with the rains they had to water flowers and trees.

Kelley Hall - Polymer Flooring: Superintendent Boyce reported, "We've been working at Kelley Hall prepping for the polymer flooring. DESCO Coatings started Monday on that. Hopefully, all goes well and they will be out so we can start installing fixtures in the kitchen and restrooms on Monday."

Mowing Nuisances: Superintendent Boyce said, "As Doug (Chief Jones) said, we mowed nuisance properties at 10th and Des Moines, 10th and Niagara, and the old Dollar General (229 Cross Street)."

PARKS DEPARTMENT: Purchase Mower Part (Aerator) from Recreation Commission

Superintendent Boyce said, "The GrassHopper aerator that the Recreation Center has they haven't used for several years is what I understand. I've been in contact with the Recreation Center. I've looked it over as the Parks Superintendent, and questioned them about it. I looked at a new one, and theirs is half the price of a new one and it's in like new condition. My recommendation is to buy the AERA-vator from the Recreation Commission for \$2,750." ***Council Member Lenard stated, "I move to authorize Superintendent Boyce to purchase a used GrassHopper AERA-Vator 60" from the U.S.D. #244 Recreation Commission, with the cost not to exceed \$2,750." Council Member Griffith, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. The motion unanimously carried, 6:0.***

PARKS DEPARTMENT: Hazard Tree Removal - Quotes

Superintendent Boyce stated, "I have quotes for the removal of hazard trees. We were going to try to remove these ourselves, but with the rain continuing, we are busy with mowing; so I went ahead and brought in contractors and got quotes. The local WildHawk Tree Service, with the timing, back to school and activities, didn't submit a quote. My recommendation would be Trener's Tree Care for \$2,325 for removal of ten trees and grinding the stumps. This company has done it for the last four or five years."

WildHawk Tree Service - No Quote; Wellnitz Tree Care: \$4,120.00 Trener's Tree Care: \$2,325.00

Council Member Lenard stated, "I move to accept the quote from Trener's Tree Care for the removal of ten hazard trees and grinding the stumps, not to exceed \$2,325.00. Council Member Griffith, "I'll second the motion." Mayor Luke called for discussion. He asked if there was a timeline. Superintendent Boyce said, "If I notify them tomorrow, it will be roughly two weeks from then." Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0.

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2016-16	\$768,408.53
b.	Payroll Ordinance	2016-16	\$ 81,196.68
	TOTAL		\$849,605.21

CLAIMS 2016-16: ***Council Member Lenard stated, "I move City of Burlington pay Claims Ordinance 2016-16 in the amount of \$768,408.53 for payment of city bills, as presented." Council Member Hall said, "I'll Second." Mayor Luke called for discussion. City Clerk Kewley, "Tonight we have KPP: \$224,538.25; and a pretty good-size one for the State on our General Obligation Bond: \$399,873.75. This is a payment for when we refinanced all our debt back in 2012." Hearing no additional discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2016-16 approved by unanimous vote, 6:0.***

PAYROLL 2016-16: ***Council Member Lenard stated, "I move City of Burlington pay Payroll Ordinance 2016-16 in the amount of \$81,196.68." Council Member Scothorn, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2016-16 approved by unanimous vote, 6:0.***

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PLANNING & ZONING: Update

General: Zoning Clerk Hugunin did normal duties, including updating Facebook and the webpage. He issued quite a few permits the last couple of days.

KACE: Zoning Clerk Hugunin is enrolled for Kansas Code Enforcement training October 12 through 14, in Manhattan.

Quarterly Construction Valuation Report: Zoning Clerk Hugunin reported, "We are now at approximately 1.4 million dollars on construction this year. It's up a little from last year. I'm going to guess about \$800,000 is the new homes and Coffey County Housing Authority's triplex. The rest of it is carports, sheds, and the like. It's a pretty big number for not having issued a lot of permits this year."

Commercial Property at 4th & Potomac: Zoning Clerk Hugunin said, "I talked to Tom (Attorney Robrahn) a little about the contract we talked about last week. We're just doing a generic contract. He will probably have more on his update."

LEGAL DEPARTMENT: Update

Attorney Robrahn, "As Jimmy (Zoning Clerk Hugunin) just said, I've been working with him on that real estate transaction."

LEGAL DEPARTMENT: Old Sewer Lagoon - Leasing Update

Attorney Robrahn stated, "I think the big thing on my agenda tonight is the agricultural lease for the old sewer lagoons that I handed out the meeting before last. First, we need to decide whether to forge ahead or what you want."

Mayor Luke, "I am going to pass out the minutes on this that we had in our council meeting on June 1st when this was discussed before. At that time we voted to move forward and continue the investigation, put forward a notice for bids, and develop a lease. So, it's a question of, do we still move forward; or do we look at another direction? There are issues on doing the lease since it's an agricultural piece of property; but most of those things I think could be controlled. It's whether or not we want to continue to have Kevin (the Parks Department) mow twelve acres; or whether or not to put it into crop land and the contribution (rent money) would have to go into a 301c(3) charity because we cannot receive funds for city property. It's whatever your pleasure as to what direction we move."

Council Member Curtiss, "Do we have a timeframe for how long the lease would be?" Mayor Luke, "Well, we initially looked at a one-year timeline, but that's not going to work - at least not for the first lease because there's terracing and other work they have to do to get it ready; and they're going to have to have an expenditure of a couple of thousand dollars to do the work. So, the first time, I would look at a three to five year timeline; after that we could go to a two-year timeline; we could go to a variety of different things after that. That way, the person, whoever it is, would be able to recover their initial investment."

Council Member Lenard, "How do we get guaranteed that the winning bidder is even going to put terraces in there? Like if you bid something out, anybody that gets it....?" Mayor Luke, "If he doesn't do what's necessary to make the land operational for the farming, then he's not going to make any money; because he's going to play off different areas, he's not going to get proper drainage. I guess we could force terracing; but once again it's a matter of different crops required and everything." Council Member Lenard, "There's an appearance here that if we're going to put it out for competition or bid, we've already tailored it to a sole source type of arrangement." Mayor Luke, "Well, there's probably, unless somebody wants to come in from out somewhere, two people or two businesses that would be interested in it."

Council Member Griffith, "Well you know, there's a standard lease law about agriculture that you've got to let go how many years or something." Attorney Robrahn, "I kind of followed that as far as.... Yes, we can go as long as we want to as long as it's in writing; but you've got to have a termination date and how you're going to go about the termination and so forth. One thing I did think about since I did this - it's very possible maybe the individual would want to use it for hay land. I mean, they don't have to do just tilling; so maybe there won't be any terracing needed because they might want to do hay." Mayor Luke, "It's possible."

The approved motion on June 1, was as follows: "I move to advertise to accept bids for lease of the old sewer lagoon property for agriculture purposes, not to include property east of the access road, the driveway to the building, nor the area directly around the building, as will be specified in the lease agreement."

Council Member Lenard, "We could post it and we have the right of refusal on it, so you could ask the intended purpose, and go that route. But in the end, whatever we lease it out for, we have to donate it (the rent) anyway; so what's the net to the City?" Council Member Curtiss, "Kevin not having to mow." Mayor Luke, "Twelve acres of not having to mow eight hours a month. I don't know what else there is." Council Member Griffith, "We have other land we rent out for hay, don't we?" Mayor Luke, "For hay, yes; and that's on an annual basis." Attorney Robrahn, "I still think we could rule out the potential for hay, because my dad and Oscar Wilson, used to do alfalfa right next door; so it's very possible." Mayor Luke, "They could go with alfalfa. What they've got there right now isn't going to be much for hay."

Mayor Luke, "It's all a matter of whether we want to move forward or whether we want to not lease it." Council Member Lenard, "Not knowing what will happen for Danny, I" Water/Wastewater Superintendent Hawkins stated, "My only concern is that there has to be something in writing so that if the State (KDHE) was to come down - and I don't perceive this anytime soon; I'm just saying that if it does, like Tom (Attorney Robrahn) mentioned the CRP payment and stuff like that because these programs they put in are usually fifteen years or

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longer. We just don't want to obligate ourselves without something in writing saying we have the right to terminate the lease because we need that property. We can say we're sorry or whatever, but based crops - whether it's wheat, beans, or corn - that way we can still access our property as the sole owner; meaning if we needed it at that moment to do that. That's what I'm saying - there needs to be something in writing stating that they can't have obligations to long-term permitting or contracts. It will help protect us."

Attorney Robrahn, "Yes, I think we would have to forbid any USDA contract because if something would happen, then we would have to pay back the government." Mayor Luke, (looking at the proposed lease?), said, "I guess there's not USDA programs, there's no permanent structures. It precludes fences which means you can't put cattle or something in there. If it's a multi-year agreement, the last year cannot be a crop that is planted in one year and harvested in another year, meaning winter wheat; but you would still have to allow for rotation of crops. You have to supply a bid process prior to the planting of any fall crops so there would be the process of putting out the bid again in September because they wouldn't be planting winter wheat if they didn't get the arrangement until after November."

City Clerk Kewley, "You know with all this work we're doing administratively - we and Tom have already put hours into this; and we're getting in the red even more. I don't know about the mowing, but if we're going to have to keep on top of this to continue doing it right...." Council Member Lenard, "If you were to look at the risks and all the components that have to go into this to make this work, what's your legal opinion on the exposure of the City?" Attorney Robrahn replied, "Legally, we can make it to where it's somewhat safe; but to me, I think that politically there's more risk involved depending on just what we do with the contract."

Council Member Hall, "How long did it take you to mow all of it?" Superintendent Boyce, "Beginning of the season, we spent roughly eight hours to mow because we mow it twice in a month. Now, that kind of grass has slowed down some, so maybe four hours a month."

Attorney Robrahn, "I guess I need to reiterate on the political part of it. To me, a bidder comes in and he wins the bid at \$10 an acre, and unless we absolutely forbid subleasing, he can turn around and sublease it out for \$80 an acre; and that will kind of make the City look bad. Do you see what I mean?" Mayor Luke, "If we decide to move forward, you'd have to lease it correctly. If we decide to not move forward, that's fine also. It's just a matter of whatever council's pleasure is."

Council Member Griffith asked, "How many acres is it?" Mayor Luke, "Right at twelve acres, I think. The rest of it, we're keeping for access." Attorney Robrahn, "We've got to remember, too, it (the rent money) goes to a 501c(3). How do we select the recipient?" City Clerk Kewley, "Well, I got into a controversy over the one we have to give. Why did you give it there? Why didn't you give it here? There is a long list of 501c(3) organizations that we have to get from the County; and it seems like we try to do the right thing, but somebody is always dissatisfied with our decision." Council Member Curtiss, "It sounds like we're getting into more trouble than we want."

Council Member Curtiss stated, "I move to discontinue looking into a lease for farming purposes of the old sewer lagoon area." Council Member Hall, "Second." Mayor Luke called for discussion. Council Member Griffith, "So, we're not going to lease it?" Mayor Luke, "If we pass this motion, we would not lease it - period." Council Member Griffith, "So, then will he be mowing it?" Mayor Luke, "Yes, it will be exactly the way it is today." Council Member Griffith, "Is that okay?" Superintendent Boyce, "That's fine with me." ***Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried, 6:0. Mayor Luke stated, "We will discontinue looking at a lease for agriculture for the old sewer lagoon area."***

PERMITS: Permits issued by Zoning Clerk Hugunin:

2016-023 Brian Macklaskey - 1201 S. 10th - Garage and Deck
2016-024 Mary Ellen Paul - 824 Jarboe - Single Family Dwelling
2016-025 Johann Reppert - 803 S. 13th - Fence
2016-026 Bill Williams - 701 Conger - Shed

CITY CLERK: Update

General: City Hall personnel have been busy preparing meter readings for utility bills. They have been preparing work orders, vouchers for bill paying, payroll, and council meeting minutes; and have been handling normal calls and inquiries.

Recodification of City Codes: City Clerk Kewley reported, "We have been reviewing the draft revision of the City Codes by the League of Kansas Municipalities subcontractor, America Legal Publishing Corporation. I want to thank Sue (Administrative Assistant Stroh) for doing an in-depth review of the draft recodification. We are in the process of working on that."

Budget for 2017: City Clerk Kewley distributed the City's 2017 Budget.

KPP Fall Planning Retreat: City Clerk Kewley, "I want to remind you the Kansas Power Pool Fall Planning Retreat is coming up on September 9th and 10th in Overland Park. I do have three people attending to represent the City going: Stan Luke, Tom Tschantz, and Alan Schneider."

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Labor Day: City of Burlington will be closed Monday, September 5th for Labor Day.

Vandalism: City Clerk Kewley stated, "I want to thank the Parks Department for cleaning up three days worth of egg throwing in front of City Hall. I really appreciate them coming right away and taking care of it. I thank the Chief for looking into that as well."

REPORTS BY CITY OFFICERS: None

MAYOR'S COMMENTS: None

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Recodification (LKM and American Legal Publishing) Service/Allied Waste Agreement Renewal Water Rate Study / Potential 2% Increase for 2017	Actuaries – GASB-45 Financial Program Software (CIC) MT Wireless - Fiberoptics to City Buildings GAAP – Infrastructure Capitalization
ELECTRIC DEPARTMENT: Emissions Standards Compliance/EPA KPP Operating Agreement/Contract Amendment (updates) Power Plant - Add Generator (Research) Parallel Generation/Net Metering Power Generation f/Renewable Energy Personnel - Electric Lineman - Advertise/Hire	Automatic Meter Infrastructure for Electric (AMI)-updates Conger Addition - Underground utility damages/MT Networks Arc Flash Study - Mapping Update Bucket Truck - delivery from ETI (within 270 days from 6/1/2016)
PARKS DEPARTMENT: Dog Park - Parking Improvements Taste of Fall Festival and UHCA (Horsemen's Challenge) - Fall 2016 Riverbank Fill Permit - Prepare and apply	Coffey County Fair/Demolition Derby/etc. Kelley Hall Kitchen/Bathroom Polymer Flooring Replacement
LEGAL DEPARTMENT: Municipal Court KG&E Pollution Control Bond - Updates	Land Swap - Property by Electric Plant (1116 St. Lawrence) Old Sewer Lagoon - Ag Lease for Crops/Advertise for Bids
PLANNING AND ZONING Industrial Park Lots - for Sale, etc. Work with NexTech and City Departments to improve Cyber Security Work w/PD on Nuisance Structure regulations Quarterly Construction Valuation Report	Prepare Easements for any City-owned property without one GIS Mapping - Address Corrections - south part of town Commercial Property at 4th and Potomac for Sale
POLICE DEPARTMENT Nuisance Updates Personnel – Vacancy and Training Updates	
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Replacement Cost-Share Program - Update Pricing Sidewalk Repairs on City Rights-of-Way Asphalt Grinding Machine for 2016 Trackhoe Repairs - update Rebuild/Repair Kennedy Street and 14 th Street Elementary School - Resolve traffic issue	Pavement Management System/Asset Management System Mohawk Street Improvements between 14th & 15th) Street Rebuild Project 2016 - Elmwood Lane issues Street Project Testing by PSI - updates 2016 Asphalt Project 2015 Asphalt Project - Faulty Materials used by APAC KDOT ADA Ramp Project - Void under Hwy 75 & Garrettson
WATER & WASTEWATER DEPARTMENT: Southwest Sewer Project Waterline Replacement Project Pump Repairs in 2016 (Clearwell/River Intake) Sewer Lagoons - Analysis (KRWA/funds for dredging) John Redmond Reservoir – Dredging Morris' Waterline Extension for 1314 Hwy 75	Sewer Cleaning SCADA System-updates Fire Hydrant Testing Plumbing Violations Testing: Lead & Copper Work Schedule Neosho Riverbank Stabilization Water Plant Improvements–Efficiency Water Meter installations Testing - LT2 Monitoring/E-Coli in river Fire Hydrant Flushing Lift Station #1 - Surge Protection repair

Mayor Luke declared the meeting adjourned.

Approved by the Governing Body and signed by Regina R. Kewley, Deputy City Clerk